

AO 91 (Rev. 11/11) Criminal Complaint

AUSA Michael Beckman (815) 987-4444

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

FILED

UNITED STATES OF AMERICA

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

CASE NUMBER:
UNDER SEAL

21CR50056

JACOB BALABUSZKO

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about August 18, 2021, in the Northern District of Illinois, Western Division, the defendant violated:

Code Section

Title 18, United States Code, Section
115(a)(1)(B)

Offense Description

threatened to assault and murder a Federal law enforcement officer, namely FBI Task Force Officer D.D. and FBI Special Agent GH, with intent to impede, intimidate, and interfere with such law enforcement officer while engaged in the performance of official duties and to retaliate against such law enforcement officer on account of the performance of official duties.

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

Sworn to and affirmed by telephone.

Date: November 3, 2021

City and state: Rockford, Illinois


CHRISTOPHER POTTS

Special Agent, Federal Bureau of Investigation
(FBI)


Judge's signature

LISA A. JENSEN, U.S. MAGISTRATE JUDGE
Printed name and Title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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AFFIDAVIT

I, Christopher Potts, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and have been so employed since September 2018. I am currently attached to a counter terrorism squad that specializes in domestic terrorism matters. I have experience in investigating violent crimes including, among others, kidnapping, criminal enterprises, and threats of violence against federal officers. Before working counter terrorism, I spent approximately two years investigating violent crimes and gang-related crimes.

2. This affidavit is submitted in support of a criminal complaint alleging that, on or about August 18, 2021, JACOB BALABUSZKO threatened to assault and murder a Federal law enforcement officer with intent to impede, intimidate, and interfere with such law enforcement officer while engaged in the performance of official duties and to retaliate against such law enforcement officer on account of the performance of official duties, in violation of 18 U.S.C. § 115(a)(1)(B).

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging BALABUSZKO with violating 18 U.S.C. § 115(a)(1)(B), I have not included each and every fact known to me concerning this investigation.

4. The facts in this affidavit come from my personal observations and knowledge, my training and experience, and information obtained from other law enforcement personnel, including Special Agent G.H. and Task Force Officer D.D., and from persons with knowledge regarding relevant facts. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

5. On or about December 1, 2020, FBI Special Agent G.H. and FBI Task Force Officer D.D., while engaged in the performance of their official duties as Federal law enforcement officers, interviewed BALABUSZKO in Douglas County, Illinois. Special Agent G.H. and Task Force Officer D.D. identified themselves to BALABUSZKO as an FBI Special Agent and Task Force Officer, respectively. On January 15, 2021, Special Agent G.H. and TFO D.D., while engaged in the performance of their official duties as Federal law enforcement officers, interviewed BALABUSZKO again in South Beloit, Illinois.

6. As explained below, BALABUSZKO later sent messages over an encrypted messaging app, namely Signal, in which BALABUSZKO, using a Signal account under the name “Captain John Paul” (“Signal Account 1”), threatened to kill Special Agent G.H. and Task Force Officer D.D.

7. For messages containing audio and/or video content that are described in this affidavit, a confidential source (“CS-1”) either made or downloaded a recording of the audio and/or video messages and then sent those recordings to investigating

agents.¹ For photographs and/or written messages that are described in this affidavit, CS-1 sent screenshots of the photographs and/or written messages to investigating agents.

8. Investigating agents have identified BALABUSZKO as the user of Signal Account 1 through the following methods, among others:

a. Special Agent G.H. and Task Force Officer D.G. viewed numerous videos and photographs sent by Signal Account 1 to a Signal chat group, and they recognized the primary individual in those videos and photographs as BALABUSZKO based on their previous interactions with BALABUSZKO.

b. Investigating agents reviewed several audio messages sent by Signal Account 1 to a Signal group chat on August 18, 2021. In one audio message, the user of Signal Account 1 stated: “My name is Jacob Balabuszko, this is not a test.”

c. Investigating agents also observed messages sent by Signal Account 1 over the Signal chat group that contained information about criminal charges that is consistent with known charges against BALABUSZKO.

d. On October 13, 2021, Signal Account 1 sent an image to the Signal chat group of an individual, whose face is not visible, wearing a body armor style vest with a Velcro patch with “BATTLEBUSZKO” on it (image shows letters in reverse),

¹ CS-1 has been a reliable source of information for the FBI for over two years. CS-1 has provided credible information which has been independently verified. CS-1 has provided information on extremist subjects involved in several other FBI investigations. The information CS-1 provided in those investigations led to the issuance of legal process, arrests, and prosecutions of those subjects. CS-1 receives monetary compensation for CS-1’s work.

which appears to be a play on BALABUSZKO's name.

9. Investigating agents have identified the Signal group chat in which BALABUSZKO sent the threatening communications and various other communications as a Signal group chat used by members of the Boogaloo Bois. I know from my training and experience that Boogaloo is an anti-government/anti-authority extremist ideology, and the Boogaloo Bois are adherents to that ideology. In messages exchanged on the Signal group chat discussed below, investigating agents have observed numerous references to "Boog," which I recognize as a reference to the Boogaloo ideology; members of the Signal group chat have also made numerous anti-government/anti-authority comments that I recognize as consistent with the Boogaloo ideology.

10. On or about August 18, 2021, BALABUSZKO, using Signal Account 1, sent several audio messages to the Signal chat group. Investigating agents recognized the voice of the speaker as BALABUSZKO's voice based on other recordings of BALABUSZKO. In the August 18, 2021 audio messages, BALABUSZKO made the following statements:

"My name is Jacob Balabuszko, this is not a test." "Agent [D.D.], Agent [G.H.], I will fuck both of you in your cute little butt." "It's not even 'cause I actually think you're cute, it's just so you feel like less of men." "Because you're not, go fuck yourselves, again, or maybe I will." "Next time you two come to my house unannounced, I'm going to shoot you on

sight, that is a threat.”²

Based on my training and experience and the context of the messages, I believe BALABUSZKO was threatening to shoot and kill Special Agent G.H. and Task Force Officer D.D. if they came to BALABUSZKO’s house.

11. Investigating agents have identified that, on or about August 18, 2021, BALABUSZKO was living in Machesney Park, Illinois, based on, but not limited to, messages sent by Signal Account 1 to the Signal chat group and records from BALABUSZKO’s felony conviction that were filed in the Circuit Court of Douglas County, Illinois on or about August 26-27, 2021. Among other things, on or about August 13, 2021, multiple videos were sent by Signal Account 1 in which the narrator of the video, whose face is not visible but whose voice is audible in the recording, provided a tour of the exterior of an apartment building that investigating agents have identified as an apartment building located in Machesney Park, Illinois. The narrator, whose voice investigating agents recognized as BALABUSZKO’s voice based on their review of other recordings of BALABUSZKO, then entered one of the apartment units and provided a tour of interior of the unit. During the interior tour, BALABUSZKO noted the area in which his bedroom was located and made other

² Investigating agents reviewed a recording that CS-1 made of the audio messages described in this paragraph, which CS-1 identified as being sent by Signal Account 1. Investigating agents have not separately reviewed screenshots of those messages.

comments indicating that he was living in the unit.³

12. Investigating agents have also reviewed additional messages sent by Signal Account 1 to the Signal group chat in which the user of Signal Account 1 (BALABUSZKO) made additional statements in which he threatened to assault or kill Federal law enforcement officers, including the following:

a. On or about September 30, 2021, Signal Account 1 sent a message including a picture of a shotgun followed by three messages stating, “550 come and get it”, “Fed lurkers btfo interfere with this and I’ll fucking kill you”, and “This is constitutional.” Based on my training and experience and the context of the messages, I understand “BTFO” to mean something along the lines of “back the fuck off” or “butt the fuck out.” Based on my training and experience, my knowledge of the investigation, and the context of the messages, I believe BALABUSZKO was trying to sell or broker the sale of a shotgun, and was threatening to kill Federal law enforcement officers if they interfered with that transaction. According to conviction records from the Circuit Court of Douglas County, Illinois, BALABUSZKO was convicted of a felony on or about August 26, 2021, and thus was legally prohibited from possessing a firearm at the time the September 30, 2021 messages were sent.⁴

b. On or about October 20, 2021, Signal Account 1 sent a message to

³ Investigating agents reviewed a download that CS-1 made of the video messages described in this paragraph, which CS-1 identified as being sent by Signal Account 1. Investigating agents have not separately reviewed screenshots of those messages.

⁴ Investigating agents reviewed screenshots made by CS-1 of the messages described in this paragraph.

the Signal chat group containing a photograph of a business card for Task Force Officer D.D. Additionally, Signal Account 1 sent an audio message on the Signal chat group in which BALABUSZKO, whose voice investigating agents recognized from other recordings of BALABUSZKO, stated that Task Force Officer D.D. was the agent in charge of harassing him and a fellow Boogaloo member. BALABUSZKO went on to say, "I've said this here before, fuck that bald asshole. If he shows up here and fucks with our birds or our kitties, I'm gonna break bottles over his head until he fucking dies."⁵ Based on my training and experience and the context of the messages, I believe that BALABUSZKO was referring to Task Force Officer D.D. and was threatening to assault and kill Task Force Officer D.D.⁶

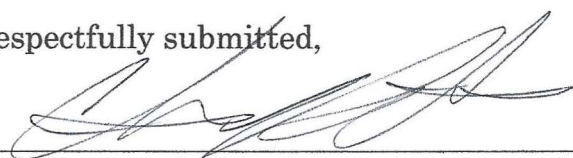
13. Based on the foregoing facts, I respectfully submit that there is probable cause to believe that, on or about August 18, 2021, in the Northern District of Illinois, Western Division, BALABUSZKO threatened to assault and murder a Federal law enforcement officer, namely FBI Special Agent G.H. and FBI Task Force Officer D.D., with intent to impede, intimidate, and interfere with such law enforcement officer while engaged in the performance of official duties and to retaliate against such law enforcement officer on account of the performance of official duties, in violation of 18

⁵ The videos sent by Signal Account 1 in which the narrator, believed to be BALABUSZKO, gives a tour of his apartment unit show that BALABUSZKO has a pet cat and pet birds.

⁶ Investigating agents reviewed a download taken by CS-1 of the photograph described in this paragraph and a recording made by CS-1 of the audio messages described in this paragraph. Investigating agents have not separately reviewed screenshots of the photograph or messages.

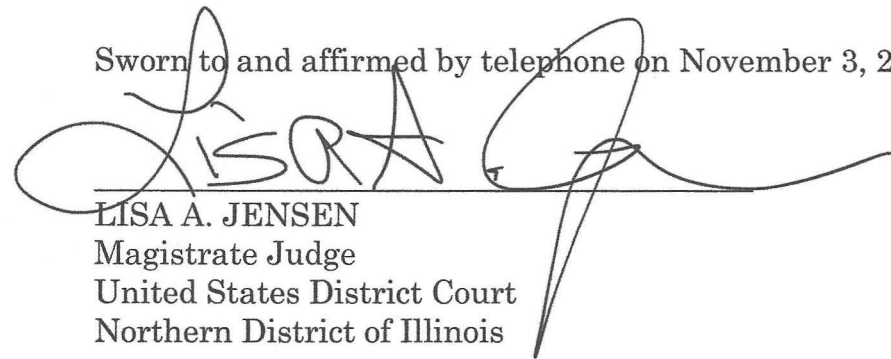
U.S.C. § 115(a)(1)(B).

Respectfully submitted,



CHRISTOPHER POTTS
Special Agent
Federal Bureau of Investigation

Sworn to and affirmed by telephone on November 3, 2021.



LISA A. JENSEN
Magistrate Judge
United States District Court
Northern District of Illinois